IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 4101 of 2004

Between:

TTCS Thippapur Village, Vemulawada Mandal,

Karimnagar District rep. by its President,

B. Rajesham Goud, S/o. Lachaiah, aged about 45 years.

..... PETITIONER

AND

1 The Deputy Commissioner of Prohibition and Excise, Karimnagar Division, Karimnagar
2 The Prohibition and Excise Superintendent Karimnagar District, Karimnagar.
3 The Sub Divisional Prohibition and Excise Officer Jagital, Karimnagar District.
4 The Station House Oflficer, Prohibition and Excise, Vemulawada, Karimnagar District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings of the 2nd respondent in proceedings No.2680/2003/P&E/B3 Dt:17-2-2004 as illegal, arbitrary, unconstitutional and violation of principles of natural justice and also in violation of A.P. Excise Act and Rules made there under and set aside the same and consequently direct the respondents to permit the petitioner society to run toddy shops.

Counsel for the Petitioner:MR.C.V.BHASKAR REDDY

Counsel for the Respondents: Government Pleader for Prohibition and Excise.

The Court made the following ORDER:

Heard both the learned counsel and at their request, the main writ petition itself is taken up for disposal at the Interlocutory stage.

The petitioner, who is excise contractor, filed this writ petition, inter alia, against the final orders of second respondent dated 17-2-2004 canceling the license of the petitioner, on the ground that the entire exercise has been done without following the principles of natural justice.

The case of the petitioner is that second respondent issued show-cause notice dated 12-1-2004 directing the petitioner to submit explanation within seven days. But on the very same date, second respondent suspended his license. As against the said orders, the petitioner filed appeal and the same is pending. However, without even waiting for disposal of the appeal and without following the procedure contemplated under law, final orders were passed on 17-2-2004. All the dates speak the very intention on the part of the respondents herein not to allow the petitioner to carry on the business. Therefore, it is submitted that the order canceling the license of the petitioner is to be set aside.

Learned Government Pleader for Prohibition and Excise submitted that having regard to the fact that the petitioner has got alternative remedy of appeal, this writ petition is not maintainable.

Having heard the submissions made on either side and on perusal of the material on record, it is seen that, without going into the merits of the case or the contentions urged on behalf of both the parties, especially in view of the fact that the petitioner has got alternative remedy of appeal to the Appellate Authority under Section 63 of the A.P.Excise Act, I do not find any justification to entertain this writ petition.

Accordingly, this writ petition is dismissed with liberty to the petitioner to file the appeal and seek necessary orders, which shall be filed within two weeks from today,

on filing of which, the same shall be disposed of by the Appellate Authority in accordance with law after giving notice and opportunity to the petitioner. No costs.

12—08—2004.

Stv/-

To

1 The Deputy Commissioner of Prohibition and Excise, Karimnagar Division, Karimnagar
2 The Prohibition and Excise Superintendent Karimnagar District, Karimnagar.
3 The Sub Divisional Prohibition and Excise Officer Jagital, Karimnagar District.
4 The Station House Oflficer, Prohibition and Excise, Vemulawada, Karimnagar District.

5 Two CCs to the Government Pleader for Prohibition & Excise, A.P.High Court Buildings, Hyderabad. (OUT).

6 Two CD copies.